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Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

RUTHANN K. LEVEQUE,	)	
	)	Case No.: 3:18-cv-00020-HRH
Plaintiff,	)	
vs.	)	
	)	Removal from Alaska Superior Court
HARTFORD INSURANCE	)	Third Judicial District at Dillingham
COMPANY OF THE MIDWEST,	)	Case No.: 3DI-17-00133 CI
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

**TO:** The United States District Court, District of Alaska in Anchorage

**ALSO TO:** Frank Schlehofer, Esq.  
Schlehofer Law Offices, P.C.  
2900 Boniface Parkway, Suite 200  
Anchorage, AK 99504

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Hartford Insurance Company of the Midwest respectfully files this Notice of Removal. In support of this removal, Defendant states the following.

1. This action is properly removable to this Court under 28 U.S.C. § 1441. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332, because the requirements for diversity of citizenship and the amount in controversy are satisfied.

2. Plaintiff Ruthann K. Leveque filed this action on December 1, 2017, in the Superior Court of Alaska, Third Judicial District at Dillingham, as Case No. 3DI-17-00133 CI. As detailed further below, the Defendant was provided a copy of the Complaint by mail on January 3, 2018, although service was made on the Division of Insurance as a statutory agent on December 18, 2017.

3. This case involves allegations related to insurance under the underinsured motorist coverage of an insurance policy written by Defendant. Specifically, Plaintiff alleges she was injured in a single vehicle auto accident on October 9, 2016, and that she is entitled to coverage for her injuries under the policy of insurance issued by Defendant.

4. This notice of removal is timely pursuant to *Nucor Corp. vs. Employers Insurance Co. of Wausau*, \_\_ F. Supp. \_\_, 2012 US Dist. LEXIS 110230, \* 15 (D. Arizona 2012) (Pursuant to the weight of authority, when service is made upon a statutory agent, the time for filing removal does not begin to run until the defendant has actually received a copy of the summons and complaint.)

#### **I. THIS COURT HAS DIVERSITY JURISDICTION**

5. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441, because the real parties in interest are citizens of different states, and the amount in controversy exceeds \$75,000, exclusive of costs and interest.

6. Plaintiff Ruthann K. LeVeque is a resident of Alaska and was at the time that the Complaint was filed.<sup>1</sup>

7. Defendant is a corporation organized under the laws of the state of Indiana, whose primary place of business is not located within the state of Alaska, nor does it conduct a majority of its business within the state.

8. Complete diversity exists because no defendant is a citizen of Alaska.<sup>2</sup>

9. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. While Plaintiff does not demand a specific sum in her Complaint, Plaintiff alleges that the Superior Court for the State of Alaska has jurisdiction which is the court of general jurisdiction for claims exceeding \$100,000. In addition, Plaintiff has made demands for payment in the amount of \$100,000 prior to filing suit. While Defendant denies Plaintiff's claims have any merit, the amount in controversy satisfies the jurisdictional minimum.

10. Because the controversy in this civil action is between citizens of different states, and because the amount in controversy exceeds \$75,000, exclusive of interest and costs, complete diversity exist and removal is proper under 28 U.S.C. §§ 1332 and 1441.

## **II. ALL OTHER REMOVAL PREREQUISITES HAVE BEEN MET**

11. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

12. This Notice of Removal is timely under 28 U.S.C. § 1446(b) in that it is being filed within thirty days after receipt by the Defendant of a copy of the Complaint on Defendant. Defendant was provided a copy of the Complaint on January 3, 2018.

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<sup>1</sup> See Complaint at ¶ 1.

<sup>2</sup> See *Carden vs. Arkoma Assocs.*, 494 U.S. 185, 187 (1990).

13. Removal of this action to the United States District Court for the District of Alaska is proper pursuant to 28 U.S.C. § 1441(a) because this District encompasses the Superior Court of Alaska, Third Judicial District at Dillingham.

14. Defendant Hartford consents to this Notice of Removal. There are no other named Defendants in this action.

15. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action will be given to all adverse parties, and a copy of this notice of removal will be filed with the clerk of the Superior Court of Alaska, Third Judicial District at Dillingham.

16. By removing this action to this Court, Defendant does not waive any defenses available to it.

WHEREFORE, Defendant respectfully requests that this Notice of Removal be filed; that the action in the Superior Court of Alaska, Third Judicial District at Dillingham, be removed to this Court; and that no further proceedings be had in the Superior Court of Alaska in this action.

Dated at Anchorage, Alaska, this 23<sup>rd</sup> day of January 2018.

MATTHEWS & ZAHARE, P.C.  
Lawyers for Defendant

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent via CM/ECF on 1/23/2018; and mail (1/22/2018) to:

Frank Schlehofer, Esq.  
Schlehofer Law Offices, P.C.  
2900 Boniface Parkway, Suite 200  
Anchorage, AK 99504

s/Joyce L. Wylie